



RICHMOND POLICE DEPARTMENT GENERAL ORDER

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 1	Number 14	Effective Date 12/12/08	Review Date 2011
Subject SPECIAL CONSERVATORS OF THE PEACE/REGISTERED SECURITY OFFICERS			☐ New Order ☒ Replaces G.O. 601-6 (01/10/05)
References VA Code 19.2-31, <i>et seq.</i> , 19.2-74, 9.1-138 – 9.1-150 General Order 6-10, Restraint and Transportation of Custodial Arrestees			
 _____ Chief of Police or Designee		12/12/08 _____ Date	

I. PURPOSE

The purpose of this directive is to establish the policy and procedure for interaction between Richmond Police Officers, Special Conservators of the Peace and Registered Security Officers, and outline certain guidelines for Special Police Officers.

II. POLICY

It is the policy of the Richmond Police Department to cooperate with and provide assistance to police officers from other agencies when requested to do so. This cooperation includes assisting licensed Special Conservators of the Peace ***and/or*** Registered Security Officers ***in the transport of arrestees. Special Conservators of the Peace and Registered Security officers are not sworn officers; however, they are*** registered and licensed by the Department of Criminal Justice Services (***DCJS***) ***and have the power to enforce the laws of the Commonwealth*** in accordance with State Codes and/or City Ordinances.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINITION

- A. UNARMED SECURITY OFFICER - A person **employed to** perform the functions of observation, detection, reporting, **and** notification of appropriate authorities or designated agents regarding persons or property on the premises **for which he/she is** contracted to protect. **The unarmed security officer** does not carry or have access to a firearm in the performance of **his/her** duties.
- B. ARMED SECURITY OFFICER – A person employed to (i) safeguard and protect persons and property or (ii) deter theft, loss or concealment of any tangible or intangible personal property on the premises he/she is contracted to protect. **The armed security officer** carries or has access to a firearm in the performance of his/her duties and **has the power to affect an arrest for an offense occurring.**
- C. SPECIAL CONSERVATOR OF THE PEACE- A person certified and appointed by the Circuit Court of the City of Richmond upon **completion of minimum training standards and registration with DCJS** to have **authority to affect arrests as a necessity for the security of property or the peace.**
- D. REGISTERED SECURITY OFFICER - A person registered with **DCJS** to perform security services within the Commonwealth of Virginia. This registration category includes unarmed security officers and armed security officers.

V. PROCEDURE

- A. Cooperative Functions with Registered Security Officers (Armed and Unarmed):
 - 1. When a member of the Richmond Police Department is dispatched to render assistance, the officer shall request to see the Security Officer's "Photo Identification Card" or "letter of temporary registration" issued by **DCJS** Private Security Services Section.
 - 2. To have the authority to effect an arrest under Virginia law, the registered ARMED security officer **must be:**
 - a. Employed by a licensed private security business; **and,**
 - b. At **a** location **that** the private security business employing the security officer is contracted to protect;
 - 3. A registered ARMED security officer meeting the above criteria shall have the power to **affect** an arrest for an offense occurring:
 - a. In **his/her** presence on such premises; or,
 - b. In the presence of a merchant, agent or employee of the merchant **for whom** the private security business employing the security officer has contracted to protect, if the merchant, agent or employee had probable cause to believe that the person arrested had shoplifted or committed willful concealment of goods, **on the designated premises.**

4. A registered ARMED security officer of a private security service business shall be considered an arresting officer per Virginia law.
5. UNARMED security officers do not have the power to make arrests. When responding to assist UNARMED security officers, **police** officers shall be responsible for determining **whether** an arrest is appropriate and **affecting** that arrest in accordance with the Code of Virginia and the policies of the Richmond Police Department, to include transporting any and all persons placed under arrest and obtaining the arrest warrants.

B. Cooperative Functions with Special Conservators of the Peace:

1. When a member of the Richmond Police Department is dispatched to render assistance, the officer shall request to see the DCJS photo registration card of the Special Conservator of the Peace. The card should include a date of validation for the appointment of the Special Conservator of the Peace.
2. If the **individual** does not have a valid DCJS photo registration card, the responding officer **shall not consider him/her to be a Special Conservator of the Peace**. The officer shall be **solely** responsible for determining **whether the** arrest is appropriate and **affecting** that arrest in accordance with the Code of Virginia and the policies of the Richmond Police Department, to include transporting any and all persons placed under arrest and obtaining the arrest warrants.

NOTE: Richmond Police officers shall ALWAYS determine if an arrest is appropriate before assisting with the arrest.

3. Law Enforcement Functions performed by Special Conservators of the Peace:

Under Virginia law, Special Conservators of the Peace have the legal authority to perform the following law enforcement functions:

- a. Arrest and detention;
- b. Obtain and execute warrants;
- c. Compile Summonses;
- d. **Complete** Juvenile Violation/Affidavit Reports (JVAR's); and,
- e. **Complete** Central Criminal Record Exchange (C.C.R.E.) forms.

(The Richmond Police Department **will** not supply Special Conservators of the Peace with the aforementioned forms.)

NOTE: DCJS does not require security officers, armed or unarmed, nor Special Conservators of the Peace to wear uniforms; however, the employing agency may enforce the wearing of a uniform. Whenever uniforms are worn, DCJS does, however, require that a patch be clearly visible on the uniform and, at a minimum, identifies the employee by last name and employing

company, and clearly distinguishes the employee from sworn law enforcement officers.

Training for security officers, armed and unarmed, and Special Conservators of the Peace is established and provided by DCJS. Upon successful completion, the participant is considered certified and issued an identification card. All records verifying completion, certification and any/all additional training beyond that which are stated on the identification card are maintained by DCJS. Revocation procedures will also be facilitated under the auspices of DCJS.

C. Transporting Persons Placed Under Arrest:

1. ***When RPD responds to the scene, transportation of arrestees shall be conducted by Richmond Police Officer(s).***
2. To avoid assisting in an unlawful arrest, prior to transporting a prisoner for any UNARMED Security Officer and/or any Special Conservator of the Peace, the responding officer shall check to make sure that the arrest was appropriate:
 - a. When transporting arrestees, ***RPD officers*** shall follow the procedures outlined in General Order 6-10, Restraint & Transportation of Custodial Arrestees.
 - b. If it is determined by the responding officer that the arrest was inappropriate/unlawful, the responding officer shall so advise the Unarmed Security Officer and/or Special Conservator of the Peace and shall obtain a Department supervisor's instructions for an appropriate course of action.
3. ARMED Security Officers and Special Conservators of the Peace are responsible for obtaining warrants for all persons that they arrest.

D. Processing Drug Evidence For Private Security Companies:

1. There will be a \$25.00 fee to process all drug evidence submitted to Property and Evidence Section by private security guards. The procedure for responding to and assisting private security guards with submitting drug evidence to the Property and Evidence Section for analysis will be as follows:
 - a. Once an arrest is made and drug evidence is seized, the private security guard will contact the Division of Emergency Communications and request that an officer respond to the scene of the arrest to receive any drug evidence seized.
 - b. The officer will respond to the scene and take control of the drug evidence seized. The officer will then accompany the security guard to the Property and Evidence Section and prepare the necessary forms and package the evidence for submission to the State Laboratory for analysis. The officer shall give the property voucher number to the security guard.

- c. The officer shall list the Department's Drug Liaison Officer as the investigating officer on the Request for Laboratory Examination. The Lab Report will then be forwarded to the Drug Liaison Officer.
- d. The Property and Evidence Section will be responsible for the transporting the evidence to the State Laboratory.
- e. The Central Records Unit, customer service window, shall process the payment of the \$25.00 fee by the security guard and issue a receipt of payment that lists the Property Voucher number.
- f. Upon presentation of the receipt, Property and Evidence personnel shall provide the security guard with the lab report for submission as evidence in court.
- g. The officer will not be required to appear in court, unless a specific request is made.

NOTE: The Department's Property and Evidence **Unit** will not accept Property and Evidence from Registered Security Officers, Special Conservators of the Peace or Deputy Sheriffs.

E. Appointments made by the Circuit Court of the City of Richmond:

- 1. A Special Conservator of the Peace shall be granted all legal powers of detention and arrest on the premises where he/she is employed unless such powers are limited by the Circuit Court. The length of time Special Conservator of the Peace appointments are valid depends upon the job duties of the applicant but may not last for more than four years under one appointment.
- 2. Under Virginia law, as of Sept. 15, 2004, all special police certifications were null and void.
- 3. If an officer comes in contact with any person that the officer believes, for whatever reason, is not validly registered with DCJS then the officer **shall** notify DCJS at **804/786-4000 or www.dcjs.virginia.gov**.

VI. **ROLES AND ACCOUNTABILITY**

A. ***DEC shall:***

Dispatch officers to render assistance and/or receive seized drug evidence.

B. ***Responding Officer shall:***

- 1. ***Verify identity and authority of security officer/Special Conservator of the Peace;***
- 2. ***Determine if arrest is appropriate;***

3. *Follow arrest and transport procedures, if warranted (Refer to General Order 6-10, Restraint and Transportation of Custodial Arrestees);*
 4. *Obtain arrest warrant, if necessary (ARMED security officers and Special Conservators of the Peace are responsible for securing warrants for all persons they arrest);*
 5. *Accompany security guard to Property and Evidence Unit and assist him/her with form preparation; and*
 6. *Seek supervisor's instruction if arrest is deemed inappropriate or unlawful.*
- C. *Supervisor shall:*
- Provide instruction to responding officer when requested.*
- D. *Property and Evidence Unit shall:*
1. *Process drug evidence submitted by private security guards, including fee intake; and,*
 2. *Transport evidence to the State Laboratory.*

VII. **FORMS AND DISTRIBUTION**

- A. *Request for Laboratory Examination (Virginia State Government form);*
- B. *Juvenile Violation/Affidavit Report (JVAR's); and,*
- C. *Central Criminal Record Exchange form (CCRE).*